

FORREST BOOTH (SBN 74166)
Forrest.Booth@kennedyslaw.com
TRAVIS WALL (SBN 191662)
Travis.Wall@kennedyslaw.com
SHAIN WASSER (SBN 293706)
Shain.Wasser@kennedyslaw.com
KENNEDYS CMK LLP
101 California Street, Suite 1225
San Francisco, CA 94111
Tel.: (415) 323-4461
Fax: (415) 323-4445

CHRISTOPHER CARROLL (*pro hac vice*)
Christopher.Carroll@kennedyslaw.com
TARA E. MCCORMACK (*pro hac vice*)
Tara.McCormack@kennedyslaw.com
KENNEDYS CMK LLP
120 Mountain View Boulevard
P.O. Box 650
Basking Ridge, NJ 07920
Tel.: (908) 848-6300
Fax: (908) 647-8390

Attorneys for STARR INDEMNITY & LIABILITY COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

STARR INDEMNITY & LIABILITY
COMPANY,

Plaintiff,

v.

CHART INDUSTRIES, INC.,

Defendant.

Case No. 4:22-cv-03484-HSG

**DECLARATION OF TARA E.
MCCORMACK IN SUPPORT OF
STARR INDEMNITY & LIABILITY
COMPANY'S OPPOSITION TO
CHART INDUSTRIES, INC.'S MOTION
TO DISMISS, STAY, OR TRANSFER**

I, Tara E. McCormack, declare as follows:

I am associated with the law firm Kennedys CMK LLP, counsel for Starr Indemnity & Liability Company ("Starr"). I submit this declaration in support of Starr's Opposition to Chart Industries, Inc's Motion To Dismiss, Stay, Or, Alternatively Transfer This Action to the Northern District of Georgia. I have personal knowledge of the facts stated herein and, if called upon to do so, could and would testify competently hereto.

1 1. On June 13, 2022, Starr filed a declaratory judgment action against Chart Industries
2 Inc. (“Chart”) in the District Court for the Northern District of California captioned, *Starr Indemnity*
3 *& Liability Company v. Chart Industries, Inc.*, Case No. 4:22-cv-03484-HSG (the “California
4 Action”).

5 2. On June 14, 2022, Chart filed a nearly identical declaratory judgment action against
6 Starr in the District Court for the Northern District of Georgia captioned, *Chart Industries, Inc. v. Starr*
7 *Indemnify & Liability Company*, No. 1:22-cv-02395 (the “Georgia Action). Attached hereto as
8 **Exhibit A** is a true and correct copy of the docket from the Georgia Action. Attached hereto as **Exhibit**
9 **B** is a true and correct copy of Chart’s Complaint in the Georgia Action.

10 3. Attached hereto as **Exhibit C** is a true and correct copy of a Commercial Umbrella
11 Liability Policy issued to Chart by Allianz Global Risks US Insurance Company, policy no. ULA
12 2011124, effective from January 1, 2018 to January 1, 2019.

13 4. Attached hereto as **Exhibit D** is a true and correct copy of Starr’s Motion to Dismiss
14 filed in the Georgia Action on July 28, 2022.

15 5. Attached hereto as **Exhibit E** is a true and correct copy of correspondence from
16 Chart to its insurers dated November 24, 2021.

17 6. Attached hereto as **Exhibit F** is a true and correct copy of correspondence from
18 Chart to Starr dated January 12, 2022 (no attachments included).

19 7. Attached hereto as **Exhibit G** is a true and correct copy of an unpublished decision
20 in *Climax Portable Machine Tools, Inc. v. Durango Assoc., Inc.*, No. 90-1296, 1991 WL 25458 (D.
21 Or. Feb. 13 1991).

22 8. Attached hereto as **Exhibit H** is a true and correct copy of an unpublished decision
23 in *Columbia Casualty Co. v. SMI Liquidating*, No. C 10–02057 CRB, 2010 WL 3037242 (N.D. Cal.
24 July 30, 2010).

25 9. Attached hereto as **Exhibit I** is a true and correct copy of an unpublished decision
26 in *Charter Oak Fire Ins. Co. v. Rimini Street, Inc.*, Case No. 2015 WL 4914476 (N.D. Cal. Aug. 17,
27 2015).

1 10. Attached hereto as **Exhibit J** is a true and correct copy of an unpublished decision
2 in *Am. Home Assurance Co. v. Tutor-Saliba Corp.*, No., 2015 WL 2228062 (N.D. Cal. May 12, 2015).

3 11. Attached hereto as **Exhibit K** is a true and correct copy of an unpublished decision
4 in *T.H.E. Ins. Co. v. Acker on behalf of Boyd*, No. 1:19-cv-04436-SDG, 2020 WL 3404940 (N.D. Ga.
5 June 11, 2020).

6 12. Attached hereto as **Exhibit L** is a true and correct copy of an unpublished decision
7 in *LM Gen. Ins. Co. v. Corley*, No. 1:19-cv-02903-TCB, 2019 WL 9633376 (N.D. Ga. Dec. 30, 2019).

8 13. Attached hereto as **Exhibit M** is a true and correct copy of an unpublished decision
9 in *Owners Ins. Co. v. Comfort Air Corp.*, No. 1:17-cv-1092-WSD, 2017 WL 2813676 (N.D. Ga. June
10 29, 2017).

11 14. I declare under penalty of perjury under the laws of the United States that the
12 foregoing is true and correct. Executed this 17th day of August 2022 in Basking Ridge, New Jersey.

13
14 DATED: August 17, 2022

KENNEDYS CMK LLP

15
16 By: 

17
18
19
20
21
22
23
24
25
26
27
28

Forrest Booth
Shain Wasser
Travis Wall
Christopher Carroll (*pro hac vice*)
Tara E. McCormack (*pro hac vice*)
Attorneys for STARR INDEMNITY &
LIABILITY COMPANY